

**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
MODIFIED TEXT to PROPOSED REGULATIONS**

Underlined text indicates the addition of text to the originally proposed language.
Strikethrough indicates the deletion of text that had been originally proposed to Title 16,
Division 39.

Article 8. Ethical Standards of Practice

§ 4170. Ethical Standards of Practice

A violation of any ethical standard of practice constitutes grounds for disciplinary action. Every person who holds a license, certificate or limited permit issued by the board shall comply with the following ethical standards of practice:

- (a) Occupational therapy practitioners shall ~~demonstrate concern for the wellbeing of the recipients of their services~~ comply with state and federal laws pertaining to discrimination.
 - (1) ~~Occupational therapy practitioners shall provide services in a fair and equitable manner. They shall recognize and appreciate the cultural components of economics, geography, race, ethnicity, religious and political factors, marital status, sexual orientation and disability of all recipients of their services.~~
 - (2) ~~Occupational therapy practitioners shall make every effort to advocate for recipients to obtain needed services through available means.~~
- (b) Occupational therapy practitioners shall take reasonable precautions to avoid imposing or inflicting harm upon the recipient client ~~of services~~ or to his or her property.
 - (1) Occupational therapy practitioners shall ~~maintain relationships that do not exploit clients the recipient of services sexually, physically, emotionally, financially, socially, or in any other manner.~~
 - (2) Occupational therapy practitioners shall avoid relationships or activities that interfere with professional judgement and objectivity.
- (c) Occupational therapy practitioners shall ~~respect the recipient and/or their surrogate(s) as well as the recipient's rights~~ collaborate with clients, caregivers or other legal guardians in setting goals and priorities throughout the intervention process.
 - (1) ~~Occupational therapy practitioners shall collaborate with service recipients or their surrogate(s) in setting goals and priorities throughout the intervention process.~~
 - (2)(1) Occupational therapy practitioners shall fully inform the ~~service recipients~~ client of the nature, risks, and potential outcomes of any interventions.
 - (3)(2) Occupational therapy practitioners shall obtain informed consent from ~~participants~~ clients involved in research activities and indicate in the medical record that they have fully informed and advised the ~~participants~~ client of potential risks and outcomes. ~~Occupational therapy practitioners shall endeavor to ensure that the participant(s) comprehend these risks and outcomes.~~

- (4)(3) Occupational therapy practitioners shall respect the ~~individual's~~ clients right to refuse professional services or involvement in research or educational activities.
- (5)(4) Occupational therapy practitioners shall ~~protect all privileged confidential forms of written, verbal and electronic communication gained from educational, practice, research, and investigational activities~~ maintain patient confidentiality unless otherwise mandated by local, state, or federal regulations.
- (d) Occupational therapy practitioners shall ~~achieve and continually maintain competence~~ perform occupational therapy services only when they are qualified by education, training, and experience to do so.
- (1) Occupational therapy practitioners shall ~~undertake to perform occupational therapy services only when they are qualified by education, training, and experience to do so.~~
- (2)(1) Occupational therapy practitioners shall hold the appropriate credentials for the services they provide.
- (2) Occupational therapy practitioners shall ~~take responsibility for maintaining and documenting competence by participating in professional development activities.~~
- (3) Occupational therapy practitioners shall ~~protect service recipients by ensuring that duties assumed by or assigned to other occupational therapy practitioners match credentials, qualifications, experience, and scope of practice.~~
- (4) Occupational therapists shall ~~provide appropriate supervision to individuals for whom the occupational therapists have supervisory responsibility in accordance with the Occupational Therapy Practice Act.~~
- (5)(2) Occupational therapy practitioners shall refer to or consult with other service providers whenever such a referral or consultation ~~would be helpful to~~ is necessary for the care of the ~~recipient of service client.~~ recipient. The Such referral or consultation ~~process~~ should be done in collaboration with the ~~recipient of service client.~~
- (e) Occupational therapy practitioners shall comply with the Occupational Therapy Practice Act, the California Code of Regulations, and all other related local, state, and federal laws.
- (f) Occupational therapy practitioners shall provide accurate information about occupational therapy services.
- (1) Occupational therapy practitioners shall accurately represent their credentials, qualifications, education, experience, training, and competence.
- (2) Occupational therapy practitioners shall disclose any professional, personal, financial, business, or volunteer affiliations that may pose a conflict of interest to those with whom they may establish a professional, contractual, or other working relationship.
- (3) Occupational therapy practitioners shall refrain from using or participating in the use of any form of communication that contains false, fraudulent, or deceptive, ~~or unfair~~ statements or claims.
- (g) Occupational therapy practitioners shall ~~treat colleagues and other professionals with fairness, discretion, and integrity~~ report to the Board unprofessional conduct as defined in Section 2570.28 of the Occupational Therapy Practice Act.

- ~~(1) Occupational therapy practitioners shall preserve, respect, and safeguard confidential information about colleagues and staff, unless otherwise mandated by national, state or local laws.~~
- ~~(2) Occupational therapy practitioners shall accurately represent the qualifications, views, contributions, and findings of colleagues.~~
- ~~(3) Occupational therapy practitioners shall report violations of the Occupational Therapy Practice Act and Regulations to the California Board of Occupational Therapy.~~

Note: Authority Cited: Business and Professions Code section 2570.20. Reference: Business and Professions Code section 2570.20.